

Panaji, 17th May, 1979 (Vaisaka 27, 1901)

SERIES I No. 7

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1-26(1)/76-Div. I (Vol. II)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25th July, 1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' and Group 'D' Non-Ministerial, Non-Gazetted posts in Band Platoon in the Office of the Inspector General of Police, Panaji, under Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Government of Goa, Daman and Diu, Office of the Inspector General of Police, Band Platoon, Group 'C' and Group 'D' Non-Ministerial, Non-Gazetted posts Recruitment Rules, 1979.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the existing Recruitment Rules for the posts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel)
Panaji, 21st April, 1979.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Police Constable (Band man)	26	Group 'D' Non Ministerial Non Gazetted.	Rs. 210-4-250-EB-5-270.	N. A.	35 years and below (Relaxable for Govt. servants),	<i>Essential:</i> i) Literate. ii) Experience in reading and writing and singing musical notes (Course certificate will be preferred). iii) Should know to play at least two vocal instruments or one vocal instrument and one hand instrument, played in the Police Band. <i>Desirable:</i> Knowledge of local languages.	N. A.	Two years	Direct recruitment	N. A.	N. A.	N. A.
Police Head Constable (Band)	3	Group 'C' Non Ministerial Non Gazetted.	Rs. 260-6-326-EB-8-350.	Selection	N. A.	N. A.	N. A.	— do —	By promotion	<i>Promotion:</i> Police Constable (Band man) with at least 3 years service in the grade.	Group 'C' D.P.C.	N. A.
Asst. Sub-Inspector (Band Master)	1	— do —	Rs. 330-8-370-10-400-EB-10-480.	Selection	35 years and below (Relaxable for Govt. servants).	<i>Essential:</i> 1. Middle School or equivalent qualification preferably in English medium. 2. Experience in reading, writing and singing musical notes. 3. Should know to play at least two vocal instruments or one vocal instrument and one hand instrument played in the Police Band. <i>Desirable:</i> Knowledge of local languages.	N. A.	— do —	Promotion failing which by direct recruitment.	<i>Promotion:</i> Police Head Constable (Band) with at least 5 years service in the grade.	— do —	N. A.

Notification

5-3-74-Div.I(Part File)

In exercise of the powers conferred on him in the Schedule (Part III), Sr. No. XV(iii) to the Central Civil Service (Classification, Control and Appeal) Rules, 1965, as approved by the Government of India, Cabinet Secretariat, Department of Personnel, New-Delhi, the Administrator of the Union Territory of Goa, Daman and Diu, in partial

modification to the Notification No. 5-3-74-Div.I (Part File) dated 22nd February, 1978, makes the following entries in place of the existing entry against Sr. No. 1(a) of the aforesaid Notification No. 5-3-74-Div.I(Part File) dated 22nd February, 1978, published in Official Gazette Series I, No. 48 dated 2nd March, 1978 regarding appointing, disciplinary and appellate authorities under the said rules for Group 'C' and Group 'D' posts in the Administration of the Union Territory of Goa, Daman and Diu.

Sr. No.	Description of service	Appointing authority	Authority competent to impose penalties which it may impose (with reference to number in Rule 11) Authority	Penalties	Appellate Authority
1	2	3	4	5	6
1(a)	Secretariat (excluding special Commissioner's Office), New-Delhi.	Joint Secretary Department of Personnel and Administrative Reforms.	Joint Secretary Department of Personnel and Administrative Reforms.	All	Chief Secretary.
1(b)	Special Commissioner's Office, New-Delhi.	Joint Secretary Department of Personnel and Administrative Reforms.	Special Commissioner, Govt. of Goa, Daman and Diu, New-Delhi.	All	Chief Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 10th May, 1979.

Local Administration and Welfare Department

Notification

8-10-78-LSG

The following draft amendment which is proposed to be made to the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu is hereby pre-published as required by sub-section (3) of section 165 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Secretary to the Government of Goa, Daman and Diu, Revenue Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 165 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Cooperative Societies Rules, 1962 for the Union territory of Goa, Daman and Diu (the last amendment was published in the Official Gazette, Series I, No. 30, dated 26-10-1973), namely:—

1. *Short title and commencement.*— (1) These rules may be called the Cooperative Societies (Fifth

Amendment) Rules, 1979 for the Union territory of Goa, Daman and Diu.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Cooperative Societies Rules, 1962 for the Union territory of Goa, Daman and Diu (hereinafter referred to as the principal Rules).—

(i) for clause (j), the following clause shall be substituted, namely:—

“(j) Government means the Government of Goa, Daman and Diu”,

(ii) clause ‘(m)’ shall be re-numbered as clause ‘(n)’ and before clause (n) as so re-numbered, the following clause shall be inserted namely:—

“(m) ‘Official Gazette’ means the Goa, Daman and Diu Government Gazette.”

3. *Amendment of rule 4.*— In sub-rule (i) of rule 4 of the principal Rules:—

i) after the words and letter “in Form A”, the following shall be inserted, namely,—

“in any of the following languages, viz.

ii) after the words “Gujarati”, for the word “or” the word “and” shall be substituted.

4. *Amendment of rule 5.*— In sub-rule (3) of rule 5 of the principal Rules for the words “Goa, Daman and Diu” the word “Official” shall be substituted.

5. *Amendment of Rule 9.*— In sub-rule (1) of rule 9 of the principal Rules for the words “provided in it bye-laws” the word “provided in its bye-laws”, shall be substituted.

6. *Amendment of rule 12.*— In sub-rule (2) of rule 12 of the principal rules for the words “Goa,

Daman and Diu" the words "Official" shall be substituted.

7. *Amendment of rule 13.* — In rule 13 of the principal Rules. —

(i) for sub-rule (1), the following shall be substituted, namely. —

"(i) The change of liability of a society from unlimited to limited and vice-versa or in terms of multiple of share capital, shall be secured by passing a resolution in that behalf by not less than two-third of the members present at a general meeting of the society called for the purpose and indicating in clear terms the manner of changing the liability. The society shall give thirty days' notice in writing of such meeting to all its members and the creditors and shall furnish them with copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed by not less than two-third of the members present at the general meeting, a copy thereof shall be sent to the Registrar within thirty days of its passing".

(ii) in sub-rule (2), for the words "under certificate of posting or otherwise to the address of each of its members" the words "under certificate of posting to the address of each of its members" shall be substituted.

8. *Amendment of rule 27.* — In rule 27 of the principal rules, for the figures and words "12 each" and "12 per 200 words or less" wherever they occur the figures and words "12 paise each" and "12 paise per 200 words or less" respectively shall be substituted.

9. *Amendment of rule 32.* — In sub-rule (2) of rule 32 of the principal Rules, for the words "Administration of the Union Territory" the words "Government Treasury" shall be substituted.

10. *Amendment of rule 43.* — In sub-rule (2) of rule 43 of the principal Rules, for the words "the directions issued by the Registrar in this respect shall be complied with the society" the words "the directions issued by the Registrar in this respect shall be complied with by the society" shall be substituted.

11. *Amendment of rule 71.* — In rule 71 of the principal Rules. —

(i) in sub-rule (1), the figure "(1)" shall be deleted.

(ii) sub-rule (2) shall be deleted.

12. *Amendment of rule 77.* — In clause (ii) of sub-rule (3) of rule 77 of the principal Rules, for the words "in the Office of any Officer" the words "in the Offices of any Revenue Officer, and Sub-Registrar and Village Panchayat" shall be substituted.

13. *Amendment of rule 79.* — In rule 79 of the principal Rules, for the words "any Officer" the words "any Revenue Officer, Sub-Registrar and Village Panchayat" shall be substituted.

14. *Amendment of rule 80.* — In sub-rule (2) of rule 80 of the principal Rules, under expression "if the amount due under the award it not forthwith

recovered" for the word "it", the word 'is' shall be substituted.

15. *Amendment of rule 82.* — In the heading of rule 82 of the principal Rules for the words "Transfer of property which can be sold" the word "Transfer of property which cannot be sold" shall be substituted.

16. *Insertion of heading for form prescribed under rule 82 (5).* — In the Form prescribed under rule 82(5) of the principal Rules, above the brackets words, the heading "FORM P" and figure "(see rule 82 (5))" shall be inserted.

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 8th May, 1979.

Law Department (Legal Advice)

Notification

LD/19263/III/79

The following Central Act namely: — The Code of Criminal Procedure (Amendment) Act, 1978 (No. 45 of 1978) which was recently passed by the Parliament and assented to by the President of India on 18th December, 1978 and published in the Gazette of India, Part II, Section I dated 19th December, 1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 20th February, 1979.

The Code of Criminal Procedure (Amendment) Act, 1978

AN

ACT

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Code of Criminal Procedure (Amendment) Act, 1978.

2. *Amendment of section 2.* — In the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), in section 2, in clause (j), the words "and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify" shall be inserted at the end. 2 of 1974.

3. *Amendment of section 11.* — In section 11 of the principal Act, to sub-section (1), the following proviso shall be added, namely: —

"Provided that the State Government may, after consultation with the High Court, establish, for

any local area, one or more Special Courts of Judicial Magistrates of the first class or of the second class to try any particular case or particular class of cases, and where any such Special Court is established, no other court of Magistrate in the local area shall have jurisdiction to try any case or class of cases for the trial of which such Special Court of Judicial Magistrate has been established."

4. *Amendment of section 13.*—In section 13 of the principal Act,—

(i) in sub-section (1), for the words "of the second class, in respect to particular cases or to particular classes of cases or to cases generally, in any district, not being a metropolitan area:", the words "of the first class or of the second class, in respect to particular cases or to particular classes of cases, in any local area, not being a metropolitan area:" shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The High Court may empower a Special Judicial Magistrate to exercise the powers of a Metropolitan Magistrate in relation to any metropolitan area outside his local jurisdiction."

5. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

"Provided that the Court of a Special Judicial Magistrate may hold its sitting at any place within the local area for which it is established.";

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Where the local jurisdiction of a Magistrate, appointed under section 11 or section 13 or section 18, extends to an area beyond the district, or the metropolitan area, as the case may be, in which he ordinarily holds Court, any reference in this Code to the Court of Session, Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall, in relation to such Magistrate, throughout the area within his local jurisdiction, be construed, unless the context otherwise requires, as a reference to the Court of Session, Chief Judicial Magistrate, or Chief Metropolitan Magistrate, as the case may be, exercising jurisdiction in relation to the said district or metropolitan area."

6. *Amendment of section 18.*—In section 18 of the principal Act,—

(i) in sub-section (1), the words "or to cases generally" shall be omitted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The High Court or the State Government, as the case may be, may empower any Special Metropolitan Magistrate to exercise, in any local area outside the metropolitan area, the powers of a Judicial Magistrate of the first class."

7. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (2),—

(a) for the words "all or any", the word "such" shall be substituted;

(b) after the words "in force", the words "as may be directed by the State Government" shall be inserted.

8. *Substitution of new section for section 24.*—For section 24 of the principal Act, the following section shall be substituted, namely:—

24. *Public Prosecutors.*—(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or State Government as the case may be.

(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case or class of cases in any district, or local area.

(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor or Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything contained in sub-section (5), where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment that Government may appoint a person as Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section (4).

(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.

(8) The Central Government or the State Government may appoint, for the purposes of any

case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor.

(9) For the purposes of sub-section (7) and sub-section (8), the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Code) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate."

9. *Amendment of section 25.*—In section 25, of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates."

10. *Amendment of section 102.*—In section 102 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same."

11. *Amendment of section 107.*—In section 107 of the principal Act, in sub-section (1), after the words "ordered to execute a bond," the words "with or without sureties," shall be inserted.

12. *Amendment of section 123.*—In section 123 of the principal Act,—

(i) in sub-section (1), for the words "the Chief Judicial Magistrate", the words and figures "the District Magistrate in the case of an order passed by an Executive Magistrate under section 117, or the Chief Judicial Magistrate in any other case" shall be substituted;

(ii) in sub-sections (2), (5), (6), (7) and (9), for the words "Chief Judicial Magistrate", wherever they occur, the words and figures "District Magistrate, in the case of an order passed by an Executive Magistrate under section 117, or the Chief Judicial Magistrate in any other case" shall be substituted.

13. *Amendment of section 167.*—In section 167 of the principal Act, in the proviso to sub-section (2),—

(a) for paragraph (a), the following paragraph shall be substituted, namely:—

"(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days; if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused

person in custody under this paragraph for a total period exceeding,—

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;"

(b) the *Explanation* shall be numbered as *Explanation II*, and before *Explanation II*, as so numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation I.*—For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail."

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2):

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in charge of the police station or the police officer making the investigation, as the case may be."

14. *Amendment of section 167 to apply to pending investigations.*—The provisions of section 167 of the

principal Act, as amended by this Act, shall apply to every investigation pending immediately before the commencement of this Act, if the period of detention of the accused person, otherwise than in the custody of the police, had not, at such commencement, exceeded sixty days.

15. *Amendment of section 182.*—In section 182 of the principal Act, in sub-section (2), after the words “by the first marriage”, the words “, or the wife by the first marriage has taken up permanent residence after the commission of the offence” shall be inserted.

16. *Amendment of section 196.*—In section 196 of the principal Act, in sub-section (2), for the words “a cognizable offence”, the words “an offence” shall be substituted.

17. *Amendment of section 198.*—In section 198 of the principal Act, in paragraph (c) of the proviso to sub-section (1),—

(i) for the word and figures “section 494”, the words and figures “section 494 or section 495” shall be substituted;

(ii) after the words “mother’s brother or sister”, the words “, or, with the leave of the Court, by any other person related to her by blood, marriage or adoption” shall be inserted.

18. *Amendment of section 206.*—In section 206 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The State Government may, by notification, specially empower any Magistrate to exercise the powers conferred by sub-section (1) in relation to any offence which is compoundable under section 320 or any offence punishable with imprisonment for a term not exceeding three months, or with fine, or with both where the Magistrate is of opinion that, having regard to the facts and circumstances of the case, the imposition of fine only would meet the ends of justice.”

19. *Amendment of section 209.*—In section 209 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;”

20. *Amendment of section 276.*—In section 276 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Such evidence shall ordinarily be taken down in the form of a narrative, but the presiding Judge may, in his discretion, take down, or cause to be taken down, any part of such evidence in the form of question and answer.”

21. *Amendment of section 293.*—In section 293 of the principal Act, in clause (e) of sub-section (4), after the word “Director”, the words “, Deputy Director or Assistant Director” shall be inserted.

22. *Amendment of section 297.*—In section 297 of the principal Act, in sub-section (1), for clause

(a), the following clause shall be substituted, namely:—

“(a) any Judge or any Judicial or Executive Magistrate, or”.

23. *Amendment of section 299.*—In section 299 of the principal Act, in sub-section (1), after the words “competent to try”, the words “, or commit for trial,” shall be inserted.

24. *Amendment of section 309.*—In section 309 of the principal Act, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him.”

25. *Amendment of section 320.*—In section 320 of the principal Act, in the Table under sub-section (1), in column 1, for the word “Defamation”, the words, figures and brackets “Defamation, except such cases as are specified against section 500 of the Indian Penal Code in Column 1 of the Table under sub-section (2)” shall be substituted. 45 of 1860.

26. *Amendment of section 323.*—In section 323 of the principal Act, the following shall be inserted at the end, namely:—

“and thereupon the provisions of Chapter XVIII shall apply to the commitment so made”.

27. *Amendment of section 326.*—In section 326 of the principal Act,—

(i) in sub-section (1), for the word “Magistrate”, wherever it occurs, the words “Judge or Magistrate” shall be substituted;

(ii) in sub-section (2), for the words “from one Magistrate to another Magistrate”, the words “from one Judge to another Judge or from one Magistrate to another Magistrate” shall be substituted.

28. *Amendment of section 374.*—In section 374 of the principal Act, in sub-section (2), for the words “has been passed”, the words “has been passed against him or against any other person convicted at the same trial” shall be substituted.

29. *Amendment of section 377.*—In section 377 of the principal Act, in sub-section (2), for the words “the Central Government may direct”, the words “the Central Government may also direct” shall be substituted.

30. *Amendment of section 378.*—In section 378 of the principal Act, in sub-section (1), the following shall be inserted at the end, namely:—

“or an order of acquittal passed by the Court of Session in revision”.

31. *Amendment of section 428.*—In section 428 of the principal Act, after the words “sentenced to imprisonment for a term”, the words “, not being imprisonment in default of payment of fine,” shall be inserted.

32. *Insertion of new section 433A.* — After section 433 of the principal Act, the following section shall be inserted, namely: —

“433A. *Restriction on powers of remission or commutation in certain cases.* — Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment.”

33. *Amendment of section 468.* — In section 468 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

34. *Amendment of section 478.* — In section 478 of the principal Act, —

(i) for the words “State Legislature”, the words “Legislative Assembly of a State” shall be substituted;

(ii) for the word “requires”, the word “permits” shall be substituted.

35. *Amendment of the Second Schedule.* — In the Second Schedule to the principal Act, —

(i) in Form No. 34, —

(a) in the heading, for the word “Magistrate”, the word “Court” shall be substituted;

(b) for the brackets, words and figures “(See sections 248 and 255)”, the brackets, words and figures “(See sections 235, 248 and 255)” shall be substituted;

(ii) in Form No. 41, for the brackets, words and figures “(See section 386)”, the brackets, words and figures “(See sections 386, 413 and 416)” shall be substituted;

(iii) in Form No. 42, for the brackets, words and figures “(See section 414)”, the brackets, words and figures “(See sections 413 and 414)” shall be substituted;

(iv) after Form No. 44, the following Form shall be inserted, namely: —

“FORM No. 44A

Bond for appearance of Offender released
pending realisation of fine

[See section 424 (1) (b)]

WHEREAS I, (name), inhabitant of (place), have been sentenced to pay a fine of rupees and in default of payment thereof to undergo imprisonment for ; and whereas the Court has been pleased to order my release on condi-

tion of my executing a bond for my appearance on the following date (or dates), namely: —

I hereby bind myself to appear before the Court of at o'clock on the following date (or dates), namely: — and, in case of making default herein, I bind myself to forfeit to Government the sum of rupees

Dated, this day of , 19

(Signature).

Where a bond with sureties is to be executed, add —

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of on the following date (or dates), namely: —

and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to Government the sum of rupees.

(Signature).”;

(v) after Form No. 46, the following Forms shall be inserted, namely: —

“FORM No. 47

Warrant of attachment to enforce a bond

(See section 446)

To the Police Officer in charge of the police station at

WHEREAS (name, description and address of person) has failed to appear on (mention the occasion) pursuant to his recognizance, and has by default forfeited to Government the sum of rupees (the penalty in the bond); and whereas the said (name of person) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorise and require you to attach any movable property of the said (name) that you may find within the district of , by seizure and detention, and, if the said amount be not paid within days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this day of , 19

(Seal of the Court)

(Signature).

FORM No. 48

Notice to surety on breach of a bond

(See section 446)

To of

WHEREAS on the day of , 19 , you became surety for (name) of (place) that he should appear before this Court on the

day of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to Government; and whereas the said (name) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees _____;

You are hereby required to pay the said penalty or show cause, within _____ days from this date, why payment of the said sum should not be enforced against you.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature).

FORM No. 49

Notice to surety of forfeiture of bond for good behaviour

(See section 446)

To _____ of _____

WHEREAS on the _____ day of _____, 19 _____, you became surety by a bond for (name) of (place) that he would be of good behaviour for the period of _____ and bound yourself in default thereof to forfeit the sum of rupees _____ to Government; and whereas the said (name) has been convicted of the offence of (mention the offence concisely) committed since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of rupees _____ or to show cause within _____ days why it should not be paid.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature).

FORM No. 50

Warrant of attachment against a surety

(See section 446)

To _____ of _____

WHEREAS (name, description and address) has bound himself as surety for the appearance of (mention the condition of the bond) and the said (name) has made default, and thereby forfeited to Government the sum of rupees _____ (the penalty in the bond);

This is to authorise and require you to attach any movable property of the said (name) which you may find within the district of _____, by seizure and detention; and, if the said amount be not paid within _____ days, to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature).

FORM No. 51

Warrant of commitment of the surety of an accused person admitted to bail

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at _____

WHEREAS (name and description of surety) has bound himself as a surety for the appearance of (state the condition of the bond) and the said (name) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Government; and whereas the said (name of surety) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of his movable property, and an order has been made for his imprisonment in the Civil Jail for (specify the period);

This is to authorise and require you, the said Superintendent (or Keeper) to receive the said (name) into your custody with this warrant and to keep him safely in the said Jail for the said (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature).

FORM No. 52

Notice to the principal of forfeiture of bond to keep the peace

(See section 446)

To (name, description and address)

WHEREAS on the day of _____, 19 _____, you entered into a bond not to commit etc., (as in the bond), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees _____ or to show cause before me within _____ days why payment of the same should not be enforced against you.

Dated, this _____ day of _____, 19 _____.

(Seal of the Court)

(Signature).

FORM No. 53

Warrant to attach the property of the principal on breach of a bond to keep the peace

(See section 446)

To (name and designation of police officer), at the police station of _____

WHEREAS (name and description) did, on the _____ day of _____, 19 _____, enter into a bond for the sum of rupees _____ binding himself not

to commit a breach of the peace, etc., (as in the bond), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said (name) to the value of rupees , which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature).

FORM No. 54

Warrant of imprisonment on breach of a bond to keep the peace

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (name and description) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Government the sum of rupees ; and whereas the said (name) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorise and require you, the said Superintendent (or Keeper) of the said Civil Jail to receive the said (name) into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature).

FORM No. 55

Warrant of attachment and sale on forfeiture of bond for good behaviour

(See section 446)

To the police officer in charge of the police station at

WHEREAS (name, description and address) did, on the day of , 19 , give security by bond in the sum of rupees for the good behaviour of (name, etc., of the principal), and

proof has been given before me and duly recorded of the commission by the said (name) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said (name) to the value of rupees which you may find within the district of , and, if the said sum be not paid with , to sell the property so attached, or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature).

FORM No. 56

Warrant of imprisonment on forfeiture of bond for good behaviour

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS (name, description and address) did, on the day of , 19 , give security by bond in the sum of rupees for the good behaviour of (name, etc., of the principal) and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (name) has forfeited to Government the sum of rupees , and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorise and require you, the Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment), returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19 .

(Seal of the Court)

(Signature)."

Notification

LD/1148/79

The following Bill, namely, the Prevention of Social Disabilities Bill, 1977 (Bill No. 67 of 1977) as introduced in Lok Sabha on 15-7-1977 is hereby published for the purpose of eliciting opinion thereon.

Any person or public body desiring to submit an opinion on the Bill may forward the same in tripli-

cate to the Under Secretary to the Government of Goa, Daman and Diu, Law Department, Secretariat, Panaji, on or before 15-9-79 for onward transmission to Lok Sabha Secretariat, New Delhi.

B. S. Subbanna, Under Secretary (Law).

Panaji, 4th May, 1979.

The Prevention of Social Disabilities Bill, 1977

A BILL

to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith.

Whereas it has come to notice that the practice of imposing social disabilities prevails in certain communities, which amongst other things deprives their members of the rights and privileges to which they are entitled by reason of birth or otherwise and which results in flagrant violation of their fundamental rights as citizens of this country;

And Whereas in keeping with the spirit of social change and democratic set up of our country and in the larger public interest it is expedient to prevent the imposition of such social disabilities and to provide penalties for such an act or acts and for matters connected therewith;

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Prevention of Social Disabilities Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “community” means a group of members who are connected together by birth, conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and include a caste or sub-caste;

(b) “member” means, a person, whether male or female, who is a member of any community.

3. *Imposition of social disabilities.*—A member shall be deemed to have imposed social disability on a member of his community if he—

(a) denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(b) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place used or intended to be used for a charitable, religious or

public purpose and established, run, or maintained wholly or partly by his own community for and on behalf of the community and which is normally available for use to or by any member of his own community;

(c) prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a charitable trust or Wakf created for the benefit of his community;

(d) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used by, or for the benefit of, his community;

(e) prevents or obstructs or causes to prevent or obstruct any member of his community from observing any social or religious, custom or usage or ceremony or from taking a part in a social or religious functions congregation, assembly, meeting or procession;

(f) prevents or obstructs or causes to prevent or obstruct any member of his community from establishing or maintaining such social, professional, or business relations as he would ordinarily establish or maintain with other members of his community;

(g) incites, provokes, or encourages any member of his community directly or indirectly to sever social, religious, professional or business relations with any other member or members of his community;

(h) refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the members of his own community usually and ordinarily perform;

(i) prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise using any Dharmashala, Sarai or Musafarkhana which is ordinarily open to members of his community; or

(j) prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship such as temple, mosques, church, gurudwara or any cemetery, crematorium or burial ground which is ordinarily open to members of his community.

4. *Penalties.*—(1) Whoever imposes any social disability on any member of his community shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

(2) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

5. *Offences under this Act to be cognizable and compoundable.*—Notwithstanding anything contained in the Code

of Criminal Procedure, 1973, every 2 of 1974. offence under this Act —

(a) shall be cognizable, and

(b) may, with the permission of the Court be compoundable.

6. *Police Officers to take action in cases of imposition of social disabilities.* — (1) A Police Officer may —

(a) remove or cause to be removed any barricade or obstruction erected, placed or found in any place, if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

(b) open or cause to be opened any gate or door, if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge of a police station who may either release the person arrested on his executing a bond with or without surety for his appearance in a Magistrate's Court or take or cause to be taken the person arrested before a Magistrate within twenty-four hours after the arrest.

(3) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding three years as the Magistrate may think fit. If after due inquiry, the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of section 107 and sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply to or in relation to all orders to furnish security made under this sub-section.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The outdated and unconstitutional practices such as untouchability, boycotts, etc., are still practised in various communities in the country, resulting in great harassment to individuals or groups. The harassment so caused, naturally gives rise to ill-feeling and disharmony towards each other. This has far-reaching effects on the social life of the community. It is, therefore, necessary to root out

these evils by putting a stop to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

New Delhi;

VASANT KUMAR PANDIT.

The 15th June, 1977.

Law Department (Establishment)

Office of the Chief Electoral Officer

Notification

3-1-78/Elec.

The following notification No. 56/79(3) dated 26-4-1979 issued by the Election Commission of India, New Delhi, is hereby published for general information.

M. K. Mishra, Chief Electoral Officer.

Panaji, 4th May, 1979.

Election Commission of India

New Delhi, Dated 26th April, 1979.

Notification

S. O. — Whereas the Muslim League (Opposition), a recognised State Party in the State of Kerala, has applied to the Commission for the change of its name to 'All India Muslim League';

And whereas the Commission is satisfied that the change of name requested for should be acceded to;

Now therefore, in pursuance of clause (b) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No. 56/78, dated the 25th January, 1978, published as S. O. 40(E) in the Gazette of India, Extraordinary, Part II Section 3(ii), dated 25th January, 1978, namely —

In column 2 of table 2 of the said notification, for the entry '4. Muslim League (Opposition)' against the State of Kerala, the entry '4. All India Muslim League' shall be substituted.

[No. 56/79 (3)]

By order,

V. NAGASUBRAMANIAN
Secretary